

REMARKS

In this Amendment, Applicant has cancelled Claim 2 without prejudice or disclaimer and amended Claim 1 to overcome the rejection and further specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amendment. There is no new issue requiring further search. Therefore, the amendment should be entered and considered. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

REJECTIONS UNDER 35 U.S.C. § 102:

Claim 1 has been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Okazaki (US 2001/0018143), hereinafter Okazaki.

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference because Okazaki has not taught all the limitations of the pending claims. According to MPEP 2131, "A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

More specifically, the embodiments of the present invention as defined in the amended claim include the limitations that "a gasket ... **glued** to each of both said separator plates", "said gasket is compressedly deformed within said gasket groove", "a pair of separator plates which are arranged in parallel to each other in a state of having a gap between contact surfaces thereof opposing to each other" and "an adhesive is added between the gasket and **each of both said separator plates**" (emphasis added; see adhesives 8 and 9 in the specification and drawings).

In Okazaki, although the description that a gasket is formed on MEA by injection molding, a latter part thereof indicates that it is held by and between separators. Therefore, it is clear to a person of ordinary skill in the art that the gasket is merely brought into contact with two separator surfaces to provide sealing function. However, when the gasket formed by injection molding is held by and between separators, the gasket and separators are contact but not adhered or glued to each other. Therefore, Okazaki does not disclose or suggest the adhesion of gasket to both separators by glue adhesive as defined in the present invention.

In addition, the gasket of the present invention is compressedly deformed within said gasket groove. As disclosed in Okazaki, the rubber gasket 7 is formed by injection molding (page 3, paragraph [0044]). Therefore, the gasket in Okazaki is not “compressedly deformed.”

Furthermore, as recognized by the Examiner, Okazaki does not teach that an adhesive is added between the gasket and both of said separators.

Therefore, the newly presented claims are not anticipated by Okazaki and the rejection under 35 U.S.C. § 102(b) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claim 2 has been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Okazaki in view of Wozniczka et al. (US 2001/0019782), hereinafter Wozniczka.

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over Okazaki in view of Wozniczka. More specifically, Claim 2 has been cancelled. The rejection to Claim 2 is moot. In addition, Claim 1 has been amended to include the features of Claim 2 and clarifies that “a gasket ... **glued** to each of both said separator plates”, and “an adhesive is added between the

gasket and **each of both said separator plates**" (emphasis added). The significant differences between the present invention have been discussed above. In addition, it is respectfully submitted that there is no motivation to combine the present invention. Wozniczka discloses that "Alternatively, or in addition to employing gasket seals, adjoining separator plates may be adhesively bonded together" (see paragraph [0027]). It is clear from the teaching and context of Wozniczka that, Wozniczka uses both gasket seals and adhesive bonding independently or side by side. This is clearly different from using adhesives to glue the gaskets to both separators as defined in the present invention. Therefore, even if Okazaki is combined with Wozniczka, they do not teach or suggest all the limitations of the present invention.

The embodiment of the invention is characterized in that, the gasket formed on one side surface is adhered to another side surface in a state of having a gap between the separators. In this structure, the adhesive agents 8 and 9 are required to adhere the formed gasket to the separator surface as described in the specification and defined in amended Claim 1.

According to the present invention, in sealing for a cooling portion constituted by combination of two separators in a fuel cell stack, a gasket is attached in a state of being pressed so as to be deformed in dimension and shape during assembly. The gasket adheres to both separator surfaces which hold the gasket. Because such structure, the present invention achieves the effect that formation of a gasket into a precise shape is not necessary in contrast to the case of a gasket being merely disposed, e.g. the gasket being adhered to one side surface only or contacted with side surfaces. The present invention also reduces the malfunction of the gasket since it is adhered to both separator surfaces, even if the gasket sags to make its sealing surface pressure insufficient.

Furthermore, direct adhesion between separators with an adhesive agent as a sealing member **as disclosed in Wozniczka** has many drawbacks that the present invention has avoided. According to the structure of Wozniczka, when the adhesive agent deteriorates so that it contracts or its adhesive power is lowered, the adhesive agent may

easily falls off or be peeled off, which will cause malfunction in the sealing. On the contrary, since the resistance force by a gasket being pressed is applied in the present invention, peeling off due to deterioration of an adhesive agent will not occur. This is also an advantage of the present invention over prior art.

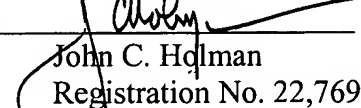
Therefore, the newly presented claims are not obvious over Okazaki in view of Wozniczka, and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: September 28, 2006
(202) 638-6666
400 Seventh Street, N.W.
Washington, D.C. 20004
Atty. Dkt. No.: P69362US0

By 
John C. Holman
Registration No. 22,769